

21171. Adulteration of apple pomace. U. S. v. 627 Bags, et al., of Apple Pomace. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30117, 30118, 30119, 30430. Sample nos. 28580-A, 28582-A, 28587-A, 28620-A.)

These cases involved quantities of apple pomace found to contain arsenic and lead in amounts that might have rendered it injurious to health.

On April 21 and May 8, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,291 bags of apple pomace at Chicago, Ill., alleging that the article had been shipped in interstate commerce, between the dates of January 27, 1932, and March 31, 1933, by the John C. Morgan Co., from Traverse City, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On June 15 and July 7, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21172. Adulteration of dried split prunes. U. S. v. Paulus Bros. Packing Co. Plea of guilty. Fine, \$50. (F. & D. no. 30133. Sample nos. 1405-A, 1406-A.)

This case was based on an interstate shipment of prunes that were found to be in part decayed and filthy.

On June 20, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Paulus Bros. Packing Co., a corporation, Salem, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 23, 1932, from the State of Oregon into the State of New York, of a quantity of dried split prunes that were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance.

On June 20, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21173. Misbranding of canned peas. U. S. v. 210 Cases of Canned Peas. Decree of condemnation entered. Product released under bond. (F. & D. no. 30056. Sample no. 38033-A.)

This case involved an interstate shipment of canned peas that contained an excessive amount of hard peas not labeled to indicate that they were substandard.

On April 5, 1933, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 210 cases of canned peas at Wilmington, Del., alleging that the article had been shipped in interstate commerce, on or about February 22, 1933, by Phillips Sales Co., Inc., from Cambridge, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Absco Brand Early June Peas * * * Phillips Sales Co. Inc. Cambridge, Maryland, U. S. A. Distributors."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of the presence of an excessive amount of hard peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 7, 1933, the Phillips Packing Co. Inc., Cambridge, Md., having appeared as claimant for the property and having paid costs of the proceedings, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant under bond in the sum of \$224.25, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*